

UNITED STATES DISTRICT COURT
for the

Eastern District of North Carolina

FILED

JUL 26 2021

Western Division

PETER A. MOORE, JR., CLERK
US DISTRICT COURT, EDNC
BY YMA DEP CLK

BRANDI LYNNE PLUMMER

Case No.

5:21-cv-303-FL

(to be filled in by the Clerk's Office)

Plaintiff(s)
(Write the full name of each plaintiff who is filing this complaint.
If the names of all the plaintiffs cannot fit in the space above,
please write "see attached" in the space and attach an additional
page with the full list of names.)

-v-

CUMBERLAND COUNTY SCHOOLS
BOARD OF EDUCATION

Defendant(s)
(Write the full name of each defendant who is being sued. If the
names of all the defendants cannot fit in the space above, please
write "see attached" in the space and attach an additional page
with the full list of names.)

COMPLAINT FOR EMPLOYMENT DISCRIMINATION

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address

Brandi Lvnne Plummer
1643 Vass-Carthage Road
Carthage, Moore County
North Carolina, 28327
(910) 813-1239
brandi.nc74@gmail.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (*if known*). Attach additional pages if needed.

Defendant No. 1

Name	Cumberland County Schools Board of Education
Job or Title (<i>if known</i>)	
Street Address	2465 Gillespie Street
City and County	Fayetteville, Cumberland County
State and Zip Code	North Carolina 28306
Telephone Number	(910) 678-2300
E-mail Address (<i>if known</i>)	

Defendant No. 2

Name	
Job or Title (<i>if known</i>)	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address (<i>if known</i>)	

Defendant No. 3

Name	
Job or Title (<i>if known</i>)	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address (<i>if known</i>)	

Defendant No. 4

Name	
Job or Title (<i>if known</i>)	
Street Address	
City and County	
State and Zip Code	

Telephone Number
E-mail Address (*if known*)

Telephone Number
E-mail Address (<i>if known</i>)

C. Place of Employment

The address at which I sought employment or was employed by the defendant(s) is

Name	Cumberland County Schools
Street Address	2465 Gillespie Street
City and County	Fayetteville, Cumberland County
State and Zip Code	North Carolina, 28306
Telephone Number	(910) 678-2300

II. Basis for Jurisdiction

This action is brought for discrimination in employment pursuant to (*check all that apply*):

Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

(Note: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634.

(Note: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)

Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117.

(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

Other federal law (*specify the federal law*):

Other federal law (<i>specify the federal law</i>):

Relevant state law (*specify, if known*):

Relevant state law (<i>specify, if known</i>):
--

Relevant city or county law (*specify, if known*):

Relevant city or county law (<i>specify, if known</i>):

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. The discriminatory conduct of which I complain in this action includes (*check all that apply*):

- Failure to hire me.
- Termination of my employment.
- Failure to promote me.
- Failure to accommodate my disability.
- Unequal terms and conditions of my employment.
- Retaliation.
- Other acts (*specify*):

(Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.)

B. It is my best recollection that the alleged discriminatory acts occurred on date(s)

November 5, 2019

C. I believe that defendant(s) (*check one*):

- is/are still committing these acts against me.
- is/are not still committing these acts against me.

D. Defendant(s) discriminated against me based on my (*check all that apply and explain*):

- race
- color
- gender/sex
- religion
- national origin
- age (*year of birth*) (*only when asserting a claim of age discrimination*)
- disability or perceived disability (*specify disability*)
Anxiety Disorder

E. The facts of my case are as follows. Attach additional pages if needed.

I was hired by the Defendant in December 2014 as a 10-month "Clerk II" Guidance Secretary/Registrar/Backup Data Manager at Terry Sanford High School. I have continuously received top ratings in all areas of my annual performance evaluations since my date of hire.

On October 15, 2019, my principal, Thomas Hatch, became aware of my disability after I experienced a severe anxiety/panic attack that resulted in a 3-hour early departure from work. As of this date, I had been receiving treatment for my disorder for 14 consecutive months.

On October 31, 2019, I applied for a 12-month Clerk III Data Manager position at R. Max Abbott Middle School. I was contacted that same evening by the hiring principal, Carla Crenshaw, to arrange an interview with me.

On November 4, 2019, I was interviewed for the Clerk III Data Manager position by Principal Carla Crenshaw, Assistant Principal Scott Witherow, and Administrative Intern Timberly Jones. I was the last of three candidates interviewed for the position.

Approximately 2 hours after my interview, I received a call from Mrs. Crenshaw stating that they had unanimously selected me for the Clerk III Data Manager position. Mrs. Crenshaw went on to explain the next steps necessary to finalize the process, which included checking my references and notifying my current principal.

Mrs. Crenshaw contacted my principal by phone on the morning of November 5, 2019. During their phone conversation, my principal disclosed my disability to her and used this information to express reservations concerning my fit for the position.

On November 8, 2019, Mrs. Crenshaw emailed me stating that she had decided to go with an alternate candidate for the position. After failing to respond to my inquiry concerning her decision, I filed a complaint with Cumberland County Schools Human Resource Department on November 12, 2019.

Cumberland County Schools concluded that no violations had occurred and denied any wrongdoing.

(Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, or the charge filed with the relevant state or city human rights division.)

IV. Exhaustion of Federal Administrative Remedies

A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on *(date)*

December 4, 2019

B. The Equal Employment Opportunity Commission (*check one*):



has not issued a Notice of Right to Sue letter.



issued a Notice of Right to Sue letter, which I received on *(date)*

April 28, 2021 .

(Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.)

C. Only litigants alleging age discrimination must answer this question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding the defendant's alleged discriminatory conduct (*check one*):

- 60 days or more have elapsed.
- less than 60 days have elapsed.

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Plaintiff seeks backpay in the amount of \$5,244.41 with interest; the value of lost benefits with interest; compensatory damages, including damages for emotional distress, for injuries suffered as a result of the Defendant's failure to comply with the ADA requirements; punitive damages for the defendant's malicious and reckless act of discrimination; legal fees; court costs; and other appropriate relief as the interests of justice require.

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 7/26/2021

Signature of Plaintiff



Printed Name of Plaintiff	Brandi Lynne Plummer
---------------------------	----------------------

B. For Attorneys

Date of signing:

Signature of Attorney

Printed Name of Attorney
Bar Number
Name of Law Firm
Street Address
State and Zip Code
Telephone Number
E-mail Address